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HOUSE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Representative Hunter to Engrossed House Bill No. 823 by Representative Hunter

1 AMENDMENT NO. 1

2 On page 1, line 2, after "water;" delete the remainder of the line and delete lines 3 through
3 6 in their entirety and insert the following:

4 "to provide for the appointment of a fiscal administrator of certain water utility
5 systems; to provide for the fiscal administrator's powers, duties, and responsibilities;
6 to provide for the filing of reports; to provide for the termination of appointment; and
7 to provide for related matters."

8 AMENDMENT NO. 2

9 On page 1, delete lines 9 through 18 in their entirety and delete pages 2 through 5 in their
10 entirety and insert the following:

11 §5.6.1. Fiscal administrator of certain drinking water utility systems; appointment;
12 powers and duties; termination

13 A. The governor shall appoint a fiscal administrator from a list of three names
14 nominated by the secretary of the Department of Health and Hospitals for a water
15 utility system where all of the following circumstances have occurred:

16 (1) A water utility system is operated by a municipality having a population
17 of less than one thousand two hundred but greater than seven hundred located in a
18 parish having a population of less than six thousand or is operated in a parish having
19 a population of less than one hundred sixty thousand but greater than one hundred
20 forty thousand as of the latest federal decennial census.

21 (2) A municipality that has failed to provide an audit required by R.S. 24:513
22 to the legislative auditor and that failure has resulted in the inability of the
23 municipality to receive state funds for the maintenance, repair, or capital
24 improvements to the municipality's water utility system.

25 B. The fiscal administrator shall perform such investigation of the operational
26 and financial affairs of the system as he deems necessary. He shall have access to
27 all papers, books, records, documents, films, tapes, and other forms of recordation
28 of the municipality as they relate to the water utility system. After the fiscal
29 administrator conducts his investigation, he shall file a report with the governor, the
30 secretary of the Department of Health and Hospitals, the legislative auditor, and the
31 attorney general. The report shall contain a detailed plan to return the water utility
32 system to compliance with all applicable water quality standards, along with any
33 improvements to the system, and financial stability. Within seven days of receiving
34 the report, the local governing authority shall adopt in an open meeting an
35 appropriate budget instrument that contains the proposals from the fiscal
36 administrator. Failure to adopt shall not prevent implementation of the fiscal
37 administrator's plan.

38 C. The fiscal administrator shall have authority to direct all fiscal operations
39 of the water utility system and to take whatever action deemed necessary to ensure
40 the system's compliance with all applicable water quality standards and financial
41 stability in accordance with all applicable laws, rules, regulations, and policies with

1 which the system must comply. Such authority shall include but not be limited to
2 authority to take one or more of the following actions:

3 (1) Amend, formulate, and execute the annual budget and supplemental
4 budgets of the system.

5 (2) Implement and maintain uniform budget guidelines and procedures for
6 the system.

7 (3) Amend, formulate, and execute capital budgets, including authority to
8 receive state funds and to amend any borrowing authorization or finance or refinance
9 any debt in accordance with law.

10 (4) Review and approve or disapprove all contracts for goods or services.

11 (5) Appoint, supervise, and control all personnel.

12 (6) Alter or eliminate the responsibilities of officials, officers, or employees
13 of the system and remove personnel upon approval of the local governing authority.

14 (7) Employ, retain, and supervise such managerial, professional, and clerical
15 staff as are necessary to carry out the fiscal administrator's responsibilities.

16 (8) Reorganize, consolidate, or abolish departments, commissions,
17 authorities, boards, offices, or functions of the political subdivision responsible for
18 operating the water utility system upon approval of the local governing authority.

19 (9) Make any appropriation, contract, expenditure, or loan, create any new
20 position, or fill any vacancy, or approve or disapprove any such action.

21 D. The fiscal administrator's appointment shall terminate upon the terms of
22 the detailed plan provided in the report, or upon the governor's determination, in
23 consultation with the secretary of the Department of Health and Hospitals, that the
24 water utility system will remain in compliance with all applicable water quality
25 standards and debt service payments for the remainder of the current fiscal year and
26 the following fiscal year.

27 E. In order to perform the investigation and reporting required of the fiscal
28 administrator by this Section, the officers, officials, and employees of the local
29 government shall cooperate in providing any and all information required by the
30 fiscal administrator in the performance of his statutorily required duties within three
31 business days of the fiscal administrator's request. If the fiscal administrator fails to
32 timely receive the requested information, then the fiscal administrator may employ
33 the procedures provided for in R.S. 39:1352(C) to compel compliance."